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In re Patent No. 6,981,158	:	DECISION UNDER 37 CFR
Issued: December 27, 2005	:	1.705(d)
Application No. 09/881,074	:	
Filed: June 14, 2001	:	
Atty. Dkt. No.: 00-4039(B)	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER," filed March 1, 2006. This matter is being treated under 37 CFR 1.705(d) as a timely filed application for patent term adjustment.

The application for patent term adjustment ("PTA") under 37 C.F.R. § 1.705(d) is **DISMISSED**.

The above-identified application matured into U.S. Patent No. 6,981,158 on December 27, 2005. The instant request for reconsideration was timely filed March 1, 2006 (certificate of mailing date of February 27, 2006) in accordance with 37 C.F.R. § 1.705(d). The patent issued with a PTA of 912 days. Patentees argue that the adjustment of 912 days is incorrect and that the correct adjustment is 1,032 days.

A review of the application history reveals that an adjustment of 1,032 days can be attributed to the Office. Patentees argue that the adjustment 1,032 days was improperly reduced 120 days in connection with the submission of an Information Disclosure Statement (IDS) on January 18, 2005. Patentees argue that the submission of the IDS on January 18, 2005 is not a failure to engage in reasonable efforts to conclude prosecution because the IDS contained the requisite statement set forth at 37 CFR 1.704(d), i.e., that each item of information contained in the IDS was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the IDS.

Patentees arguments have been carefully considered, but are not found convincing. The IDS submitted January 18, 2005 constituted a failure to engage in reasonable efforts to conclude

prosecution because the statement contained therein failed to comply with the requirements of 37 CFR 1.704(d); i.e., the statement contained therein does in state, as per 37 CFR 1.704(d) "that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than **thirty** days prior to the filing of the information disclosure statement."

In view thereof, at the time of issuance, the patent was entitled to an overall adjustment of 912 days, as indicated on the patent.

The required application fee of \$200.00 has been charged to Deposit Account No. 18-1945 as authorized in the instant application for PTA.

Any request for reconsideration of this decision must be submitted within TWO MONTHS of the mail date indicated above. Extensions of time for reconsideration under 37 CFR 1.136 will not be permitted.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kery AFR

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